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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,773	07/06/2000	Isao Yamada	SONY-T0866	5664
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EXAMINER				
USTARIS, JOSEPH G				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/610,773

Applicant(s)

YAMADA, ISAO

Examiner

JOSEPH G. USTARIS

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27, 29-32 and 34-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27, 29-32 and 34-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 30, 2008 has been entered.

Response to Arguments

2. Applicant's arguments filed June 30, 2008 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 27 and 32 that Berezowski does not disclose displaying a transition screen on the display device by gradually expanding and moving the selected symbolic image and gradually contracting and moving the specified television program. However, reading the claims in the broadest sense, Berezowski does meet that limitation in the claims. Berezowski discloses that the display control means controls to display a transition screen on the display device by gradually expanding and moving the selected symbolic image (See Fig. 5, 42 and 40) and gradually contracting and moving the specified television program (See Fig. 5, 38)(See Fig. 5; col. 2 lines 51-58 and col. 4 lines 19-40). The image and television program in

each region is also moved as the regions expand/contract in order to fill their respective regions.

Furthermore, Hazra discloses a selection means for selecting a symbolic image (See col. 7 lines 34-37) and that the display control means controls to display, in response to the selection of a symbolic image, the selected symbolic image in the first region and the specified television program in place of the selected symbolic image in the second region (See Fig. 3, the swapping of "A" and "B"; col. 7 lines 8-51). As shown in Fig. 3, image "A" is swapped or moved with image "B" and vice versa.

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27, 29-32, 34, 35, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamemoto (US 20030135852A1) in view of Alexander et al. (US006177931B1), Hazra (US006510553B1), Berezowski et al. (US006064376A), and Butler et al. (US20020007493A1).

Regarding claim 27, Kamemoto discloses an information processing apparatus (See Fig. 4) comprising:

first reception means (See Fig. 4, tuner 2) which receives television programs (See paragraph 0024, programs) via a first transmission path (See Fig. 4, antenna 1), the first transmission path including a ground-wave broadcast (See Fig. 4, RF signal received by antenna1; paragraph 0052);

second reception means (See Fig. 4, modem 33) which receives information via a second transmission path (See Fig. 4, telephone line 34 and modem 33);

display control means (See Fig. 4, microcomputer 35) which operates a display device (See Fig. 4, picture tube 7) to display a specified television program received by the first reception means (See paragraph 0053, user selects channel that is displayed on the main screen) in a first region of the display device (See Fig. 6, main-screen 55) and a plurality images in a second region of the display device (See Fig. 6, sub-screens 56-59).

However, Kamemoto does not explicitly disclose receiving supplementary information via the second transmission path, wherein the supplementary information includes a plurality of symbolic images, each symbolic image indicating a kind of supplementary information received by the second reception means, the display control means configured to absolve a user from switching between the ground-wave and satellite broadcasts;

selection means for selecting a symbolic image;

wherein the display control means controls to display, in response to the selection of a symbolic image, the selected symbolic image in the first region and the specified television program in place of the selected symbolic image in the second region;

wherein the display control means controls to display a transition screen on the display device by gradually expanding and moving the selected symbolic image and gradually contracting and moving the specified television program; and

wherein the second transmission path includes a communication satellite broadcast.

Alexander et al. (Alexander) discloses an interactive television system. Alexander discloses that the system receives supplementary information (advertising data/web site addresses) via a second transmission path (Internet by telephone line and modem) (See col. 8 lines 37-64), wherein the supplementary information (advertising data/web site addresses) includes a plurality of symbolic images (See Fig. 1, windows 14 and 16; col. 34 lines 10-25, advertisement graphics and videos), each symbolic image indicating a kind of supplementary information (advertising data/web site addresses) received by the second reception means (modem). Furthermore, the system is configured to absolve a user from switching between two different sources (e.g. television and Internet) (See Fig. 1; the system is able to simultaneously display television content in window 12 and Internet/ad content in windows 14 and 16 thereby absolving a user from switching between two different sources). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system,

telephone line, and modem disclosed by Kamemoto to receive supplementary information via the second transmission path, wherein the supplementary information includes a plurality of symbolic images, each symbolic image indicating a kind of supplementary information received by the second reception means, the display control means configured to absolve a user from switching between the ground-wave and satellite broadcasts, as taught by Alexander, in order to provide and improve opportunities for commercial advertisers to reach the viewer (See col. 2 lines 5-21).

Hazra discloses an interactive television system. Hazra discloses a selection means for selecting a symbolic image (See col. 7 lines 34-37) and that the display control means controls to display, in response to the selection of a symbolic image, the selected symbolic image in the first region and the specified television program in place of the selected symbolic image in the second region (See Fig. 3, the swapping of "A" and "B"; col. 7 lines 8-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclose by Kamemoto to have a selection means for selecting a symbolic image and that the display control means controls to display, in response to the selection of a symbolic image, the selected symbolic image in the first region and the specified television program in place of the selected symbolic image in the second region, as taught by Hazra, in order to allow the user to give priority to items on display thereby ensuring that enough information that the user wishes to receive is conveyed (See col. 2 lines 26-32).

Berezowski et al. (Berezowski) discloses an interactive television system. Berezowski discloses that the display control means controls to display a transition

screen on the display device by gradually expanding and moving the selected symbolic image (See Fig. 5, 42 and 40) and gradually contracting and moving the specified television program (See Fig. 5, 38)(See Fig. 5; col. 2 lines 51-58 and col. 4 lines 19-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display control means disclosed by Kamemoto to display a transition screen on the display device by gradually expanding and moving the selected symbolic image and gradually contracting and moving the specified television program, as taught by Berezowski, in order to provide a smooth transition that is more esthetically pleasing for the viewers (See col. 7 lines 58-59).

Butler et al. (Butler) discloses an interactive television system. Butler discloses that the system receives supplemental data from a communication satellite broadcast (e.g. satellite broadcasts) (See Fig. 1 and paragraph 0028). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and modem disclosed by Kamemoto to have the second transmission path include a communications satellite broadcast, as taught by Butler, in order to expand the capabilities of the system thereby allowing the system to receive supplemental data using various transmission schemes.

Regarding claim 29, the system further has an access means (See Kamemoto Fig. 4, modem 33; the modem is also considered an access means or Butler Fig. 2, receiver 58) which accesses a server (e.g. web site on the Internet) to obtain further data related to the supplementary information (advertising data/web site addresses) (See Alexander col. 17 lines 50-67 and col. 18 lines 1-12).

Regarding claim 30, the first region is a larger screen area at a top section of the display device (See Kamemoto Fig. 6, 55).

Regarding claim 31, the second region is a smaller screen area at the bottom section of the display device (See Kamemoto Fig. 6, 56-59).

Claims 32 and 34 contains the limitations of claims 27 and 29 respectively and is analyzed as previously discussed with respect to those claims.

Regarding claim 35, the system also controls to display the supplementary information (particular web site) indicated by the selected symbolic image (advertisement graphics and videos) in place of the selected symbolic image in the first region (See Alexander col. 18 lines 1-12, 33-53, and col. 20 lines 4-12).

Claims 42 contains the limitations of claims 27 and 35 and is analyzed as previously discussed with respect to those claims.

5. Claims 36, 37, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamemoto (US 20030135852A1) in view of Alexander et al. (US006177931B1), Hazra (US006510553B1), Berezowski et al. (US006064376A), and Butler et al. (US20020007493A1) as applied to claims 27 and 32 above, and further in view of Montero (US006133912A).

Regarding claim 36, Kamemoto in view of Alexander, Hazra, Berezowski, and Butler does not disclose that the supplemental information includes user residential location information, the display control means operating the display device to display the plurality of symbolic images based on the user residential location information.

Montero discloses an interactive information system. Montero discloses that the supplemental information (e.g. advertisement parameter data) includes user residential location information (e.g. location zip code and associated time zone), the display control means operating the display device to display the plurality of symbolic images (e.g. advertisements) based on the user residential location information (e.g. location zip code and associated time zone) (See col. 7 line 41 – col. 8 lines 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Kamemoto in view of Alexander, Hazra, Berezowski, and Butler to have the supplemental information include user residential location information, the display control means operating the display device to display the plurality of symbolic images based on the user residential location information, as taught by Montero, in order to allow advertisers to target their advertisements based on the geographic location of the subscriber (See col. 8 lines 1-5).

Regarding claim 37, the supplemental information includes an access restrict flag (e.g. advertisement parameter data also serves the purpose of an access restrict flag), the display control means operating the display device to prevent display of the plurality of symbolic images based on the access restrict flag (e.g. the system prevents display of advertisements if the system's local time is not within the time range) (See col. 7 line 41 – col. 8 lines 5).

Claims 39 and 40 contains the limitations of claims 36 and 37 and is analyzed as previously discussed with respect to those claims.

6. Claims 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamemoto (US 20030135852A1) in view of Alexander et al. (US006177931B1), Hazra (US006510553B1), Berezowski et al. (US006064376A), and Butler et al. (US20020007493A1) as applied to claims 27 and 32 above, and further in view of Zigmond et al. (US006400407B1).

Regarding claim 38, Kamemoto in view of Alexander, Hazra, Berezowski, and Butler does disclose a recording medium in connection with the display device (See Kamemoto Fig. 4, memory 36). However, Kamemoto in view of Alexander, Hazra, Berezowski, and Butler does not disclose that the recording medium stores the supplementary information in internal memory in response to the selection of the symbolic image.

Zigmond et al. (Zigmond) discloses an interactive television system. Zigmond discloses that the recording medium (28) stores the supplementary information (e.g. logical address) in internal memory (28) in response to the selection of the symbolic image (e.g. icon) (See col. 3 lines 59-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Kamemoto in view of Alexander, Hazra, Berezowski, and Butler to have the recording medium store the supplementary information in internal memory in response to the selection of the symbolic image, as taught by Zigmond, in order to allow the viewer to view the information at a later time (See col. 3 line 65).

Claim 41 contains the limitations of claims 32 and 38 and is analyzed as previously discussed with respect to those claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH G. USTARIS whose telephone number is (571)272-7383. The examiner can normally be reached on M-F 7:30-5 PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph G Ustaris/
Primary Examiner, Art Unit 2424